

Item _____

Prepared by Craig E. Willis
Craig E. Willis

Approved by Assistant County Attorney

ORDINANCE NO. _____

ORDINANCE BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, ESTABLISHING POLICIES AND PROCEDURES AS REQUIRED BY CHARTER SECTION 5.23 FOR MAINTAINING THE CONTINUITY OF GOVERNMENT IN THE EVENT OF A DISASTER. SPONSORED BY COMMISSIONER WYATT BUNKER.

WHEREAS, Ordinance No. 361 set forth various proposed amendments to the Charter of the County of Shelby; and

WHEREAS, This Commission passed Ordinance No. 361 on June 2, 2008, which was signed by the Mayor on June 4, 2008; and

WHEREAS, The proposed amendments to the Charter set forth in Ordinance No. 361 were presented to the voters at an election held on August 7, 2008 and were duly ratified by the electorate, becoming effective September 1, 2008; and

WHEREAS, Section 5.23 was added to Article V of the Shelby County Charter pursuant to Ordinance No. 361 and provides a procedure for succession of authority and continuity of government in a disaster; and

WHEREAS, Section 5.23 (F) of the Shelby County Charter provides that within one year from the date Section 5.23 becomes effective, the board of county commissioners shall adopt an ordinance establishing policies and procedures for maintaining the continuity of government in the event of a disaster which shall include, but not be limited to, emergency powers; emergency procurement; records preservation; temporary relocation of the seat of county government, relocation of, and delivery of services to, citizens of Shelby County directly impacted by the disaster, and any other provisions necessary to ensure continuity of government and delivery of essential services to the citizens of Shelby County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE:

Section 1. That this commission, as required by Section 5.23 (F) of the Charter, hereby adopts the attached "Policies and Procedures for Maintaining the Continuity of Shelby County Government in the Event of a Disaster" set forth in Exhibit "A" to this Ordinance, which is made a part hereof as if fully rewritten, establishing policies and procedures for maintaining the

continuity of government in the event of a disaster to include, but not be limited to: emergency powers; emergency procurement; records preservation; temporary relocation of the seat of county government, relocation of, and delivery of services to, citizens of Shelby County directly impacted by the disaster, and any other provisions necessary to ensure continuity of government and delivery of essential services to the citizens of Shelby County.

Section 2. That the Mayor and/or the Director of the Office of Preparedness shall no less frequently than bi-annually make recommendations to this commission as may be necessary for protecting the public welfare, safety and property for the amendment, revision or supplementation of the Code of Ordinances of Shelby County Government to ensure the continuity of government of Shelby County in the event of a disaster.

Section 3. That the Mayor and/or the Director of the Office of Preparedness shall on an ongoing and as needed basis, as may be necessary for protecting the public welfare, safety and property, and for maintaining the continuity of government of Shelby County the event of a disaster, review, revise, supplement, update and amend the policies and procedures set forth in Exhibit "A" to this Ordinance without further action by this commission.

Section 4. That the policies and procedures set forth in Exhibit "A" to this Ordinance, as amended, revised, updated and supplemented from time to time pursuant to Section 3 hereof, shall be reviewed no less frequently than bi-annually by this commission, giving due regard to the recommendations to this commission by the Mayor and/or the Director of the Office of Preparedness, for any action that may be required by this commission necessary for protecting the public welfare, safety and property and to maintain the continuity of government of Shelby County in the event of a disaster.

Section 5. That nothing contained in this Ordinance shall be construed inconsistent with Public Chapter 110, effective April 30, 2009, amending Tenn. Code Ann. § 58-2-110(1)(B) relative to emergency management.

Section 6. That this Ordinance shall take effect at the earliest date provided by law, the public health, safety and welfare requiring it.

A C Wharton, Jr. Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____

Exhibit “A”

Policies and Procedures *for* Maintaining the Continuity of Shelby County Government *in* Event of a Disaster

Adopted by the Board of County Commissioners
Shelby County, Tennessee
By Ordinance No. ____ (Agenda Item #____)
This ____ day of _____, 2009
As required by Section 5.23 (F) of
The Charter of Shelby County

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